

Remarks/Arguments

In the Final Office Action dated July 10, 2008, it is noted that claims 1 – 14 are pending.

In the present response, claims 2 – 4 are cancelled without prejudice, claims 1, 5, 10, 11, 13, and 14 are amended to more clearly and distinctly claim the subject matter that Applicants regard as their invention. No new matter is added.

Rejection of claims 4, and 5 under 35 USC §112 as being indefinite

To obviate this rejection, claim 4 is cancelled and claim 5 is amended to depend from claim 1. No new matter is added. Withdrawal of the rejection of claims 4 and 5 under 35 USC §112 is respectfully requested.

Rejection of claims 1 – 6 and 9 – 14 under 35 USC §102(b) as being anticipated by Rainey et al. (US Pat No 5,799,315) (hereinafter “Rainey”)

Applicants submit that for at least the following reasons, claims 1 – 6 and 9 – 14 are patentable over Rainey.

For example, claim 1 requires:

“a first type of results consisting of, for each time slot of a plurality of time slots, the number of times that a time interval between an occurrence and its preceding occurrence falls within the time slot.”

Applicants submit that nothing in Rainey teaches or even suggests the claimed features because there is no suggestion in Rainey of counting the number of times a time interval falls within the time slots. Rainey, column 9, lines 35 – 40, apparently only discloses that an event tag is generated after a given minimum time. This discussion in Rainey only suggests that the time intervals that are longer than the given minimum time are tagged. Thus Rainey provides at most just one count: the number of times the time interval that is longer than a given minimum value.

In contrast, the present invention requires that, for each time slot of the plurality of time slots, there is a corresponding count for the number of times a time interval that falls within that time slot. Therefore, Rainey fails to teach at least the claimed feature: a

first type of results consisting of, for each time slot of a plurality of time slots, the number of times that a time interval between an occurrence and its preceding occurrence falls within the time slot.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over Rainey. Independent claims 10, 13 and 14 contain at least several similar features as discussed above with respect to claim 1; therefore, Applicants essentially repeat the above arguments for each of the independent claims. The rejection of claims 2 – 4 is moot because these claims are cancelled. Claim 5, 6, 9, 11 and 12 are patentable at least because they depend from claim 1, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 6 and 9 – 14 under 35 USC §102(b) is respectfully requested.

Rejection of claim 7 under 35 USC §103(a) as unpatentable over Rainey in view of Longman et al. (USPGP 2002/0064260). Rejection of claim 8 under 35 USC §103(a) as unpatentable over Rainey in view of Klein (US 5,541,845).

Applicants submit that none of the secondary references even remotely bridge the feature gap between Rainey and claim 1 as discussed above. Therefore, claims 7 and 8 are patentable at least because they depend from claim 1, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 7 and 8 under 35 USC §103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed to have been incurred by virtue of this amendment. However if a fee is incurred on the basis of this amendment, please charge such fee against deposit account 07-0832.

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